

REMARKS/ARGUMENTS

Claim Status – Request for Reconsideration

Reconsideration of this application is requested. The claims presented for reconsideration are claims 22-24, 26, 27 and 29-33.

Claim 24 has been amended to incorporate the limitations of now canceled claim 25, with claims 22 and 23 amended to depend from claim 24. Claim 26 has been amended to be in independent form. Claim 27 has been amended to include the limitations of now canceled claim 28. Claims 29-33 are newly added. The basis for claims 29, 30 and 32 comes from the specification at page 12, last line. The basis for claims 31 and 33 comes from claim 22, as well as from the specification at page 12, line 5. No new matter has, therefore, been added by way of this amendment.

Claim Rejections – 35 USC § 112

Claims 1-20 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Those claims having been canceled by way of this amendment renders this rejection moot.

Claim Rejections – 35 USC § 102

Claims 1-4 were rejected under 35 USC § 102(b) as being anticipated by Mustafa et al., Tetrahedron, 1965, Vol. 21, pp. 849-859. Those claims having been canceled by way of this amendment renders this rejection moot.

Claim Rejections – 35 USC § 102/103

Claims 1-28 were rejected under 35 USC § 102(b) as being anticipated by Buggle et al., Monatshefte für Chemie 119, 945-951 (1988) (“Buggle”). Claims 1-28 were also rejected under 35 USC § 103(a) as being unpatentable over Buggle.

Claims 1-21, 25 and 28 have been canceled. Accordingly, this rejection is moot with regard to those claims.

Claims 22-24 and 26-28 have been amended, with claims 29-33 being newly added. The rejection of these claims insofar as they may pertain to the rejections over Buggle are traversed, and reconsideration is requested.

The claims have been amended to clarify that this invention is a perfuming type of composition or a type of deodorant or antiperspirant that contains benzo[4,5]thieno[3,2b]-pyran-2-one. The preamble of the claim clarifies that the invention is a specific composition of matter and not merely an intended use of the claimed benzene-type compound. See MPEP 2111.02.

Buggle discloses the compound benzo[4,5]thieno[3,2b]pyran-2-one (compound 1c). Buggle does not disclose or suggest any use of the compound. It is at best an intermediate in a thiation reaction, and is in solution with toluene. A composition that contains the combination of benzo[4,5]thieno[3,2b]pyran-2-one and toluene as disclosed by Buggle would be expected to have an unpleasant smell and a relatively high toxicity due to the toluene level in the composition. Certainly, the Buggle composition would not be considered to be employed as ingredients in a perfuming type of composition or a type of deodorant or antiperspirant. Thus, the mere disclosure by Buggle of benzo[4,5]thieno-[3,2b]pyran-2-one does not suggest applicant's claimed invention.

CONCLUSION

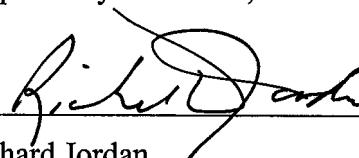
Having demonstrated that the claims of this application are allowable over the cited references, this application is in condition for allowance. Accordingly, applicant requests early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding this or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 09-0528 (Docket #: F081 1290.1).

Respectfully submitted,

Date: Jan. 7, 2008



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